

DEPARTMENT OF LABOR AND INDUSTRIES PROVIDER NETWORK ADVISORY GROUP CHARTER

I. Mandate and Purpose

Substitute Senate Bill 5801 (SSB 5801) establishes a new medical provider network and expands access to Centers for Occupational Health and Education (COHEs). SSB 5801 directs the department to convene an advisory group made up of representatives from or designees of the workers' compensation advisory committee and the industrial insurance medical and chiropractic advisory committees. After the provider network is established, both State Fund and self-insured injured workers will be required to receive care from network providers, except for their initial office visit or Emergency Room visit post-injury.

II. Name

This entity shall be known as the Provider Network Advisory Group.

III. Purpose of the Charter

The purpose of the charter is to establish a framework for the work of the Advisory Group; to provide for selection of a chair and such other officers as the Advisory Group may determine; to create subcommittees as may be necessary; to establish regular meeting times and places for meetings of the Advisory Group.

IV. The Objective and Purpose of the Provider Network Advisory Group

The Advisory Group may provide input on all aspects of the implementation of SSB 5801, including but not limited to the following important issues:

- Standards for accepting health care providers into the new statewide network.
- Standards for removing providers from the network and using peer review to help determine provider status.
- Elements of provider contracts.
- Criteria for immediate contract termination for quality of care issues.

- Waiting periods for providers to reapply after they have been suspended or removed as a network provider.
- Development of best practices treatment guidelines for providers in the network.
- Requirements providers would meet to be included in the occupational health best practice second tier of the provider network.
- Incentives for second tier network providers and applicable criteria

V. Membership

Members of the Advisory Group will include:

- 4 members and one alternate from the Industrial Insurance Medical Advisory Committee (IIMAC)
- 2 members and one alternate from the Industrial Insurance Chiropractic Advisory Committee (IICAC)
- 2 business representatives and one alternate selected by the business members of the WCAC
- 2 labor representatives and one alternate selected by the labor members of the WCAC

Advisory Group members are undertaking a position of public trust and are responsible for being an effective participant. Members are to:

- Attend all Advisory Group meetings (unless their alternate will attend in their place).
- Are well prepared for the meetings.
- Recognize that serving the public interest is the top priority.
- Recognize that the Advisory Group must operate in an open and public manner.
- Communicate well and actively participate in group discussions.
- Possess a willingness to work with the group in making decisions.
- Recognize that compromise may be necessary in order to reach group consensus.

VI. Officers

A Chair, selected by the members, shall manage the Advisory Group and such other Officers as are deemed necessary to administer the affairs of the Advisory Group. Each Officer shall hold office until a successor is duly elected.

The Chair shall fulfill the following functions:

- Preside at all meetings of the Advisory Group;

- Serve as an ex-officio member of all subcommittees;
- Prepare recommendations to the Director for removal of an Advisory Group or subcommittee member(s) for good cause shown, should it become necessary;
- Consult with the Director and other members of the advisory group when it is necessary to replace an advisory group position that has been vacated.

The Chair or any officer selected or appointed by the Committee may be removed by a majority vote of the full Advisory Group whenever in its judgment the best interests of the Advisory Group would be served.

In the absence of the Chair and when a quorum of Advisory Group members are present, an acting Vice Chair shall be appointed by a majority of the Advisory Group present at that meeting and shall preside at that meeting of the Advisory Group.

Election of officers may be conducted by either oral or written ballot.

VII. Consensus, Voting and Quorum

The Advisory Group members shall act in good faith to reach consensus when working to develop recommendations to the Department.

A. Consensus

The Advisory Group and all subcommittees shall utilize a consensus seeking process when deciding what advice or recommendation to give the department. The Chair of the Advisory Group or designee shall facilitate using the consensus seeking process.

When the Chair determines that consensus cannot be achieved among the quorum present, the Chair can either refer the discussion to a subcommittee for further review, ask that the discussion be moved to the next agenda or can call for a vote.

B. Voting

If after all deliberate effort a consensus cannot be achieved, the Advisory Group may offer a motion for a vote. In the case of a vote, there shall not be a minority report.

The presence of one-half plus one of the membership shall constitute a quorum.

A simple majority of the quorum shall be required for all voting matters. A majority of the quorum must vote in favor of a motion in order for the motion to be adopted.

When a member must recuse himself or herself from acting on any matter, that person will not count for purposes of determining a quorum.

VIII. Meetings of the Provider Network Advisory Group

The Advisory Group shall meet at least quarterly and may meet at other times by recommendation of the Chair and at the discretion of the Department.

Meetings shall be held at such time and place as the Advisory Chair and the Department determines in order to conduct all business necessary for the administration of the Advisory Group. All meetings will be open to the public. As time permits, the Chair will accept public comment at these meetings on issues that are being considered for a vote. The Chair will also accept written comments from any interested person, which will be distributed by department staff to all Advisory Group members.

At each meeting, the Advisory Group shall review the status of all business before the Advisory Group, and shall review and act upon outstanding issues.

Advance notice of all meetings, both regular and special, of the Advisory Group will be posted on the L&I Web site at www.ProviderNetwork@Lni.wa.gov. Notice of regular meetings will be published at least 3 weeks in advance.

The Department will assign a staff person to keep minutes of the Advisory Group's deliberations.

Meetings of the Advisory Group may be held by means of conference telephone or similar communication equipment, by which all persons participating in the meeting can hear each other at the same time and participation by such means, shall constitute the presence of a person at a meeting and shall be noted on the Advisory Group minutes.

IX. Staff Assistance

Staff assistance to the Advisory Group will be provided by the Department employees, independent contractors employed by the Department for this purpose, or such other supporting staff as the Director may deem appropriate or necessary to assure that the mission of the Advisory Group is carried out.

Staff shall:

- Email or call all members of the Advisory Group to notify them of upcoming meetings, and post notice online for other interested parties on the L&I Web site as described above;
- Act as custodian of the records of the Advisory Group;

- Keep a register of the addresses of each member, maintain a record of the names of members entitled to vote, and provide public access to all such records;
- Assist Advisory Group members to complete reports of expenses, as may be required for reimbursement by the state and keep accurate accounts of such reports;
- Make every effort to ensure any materials required for Advisory Group action are provided at least five days in advance of an Advisory Group meeting; and
- Perform such other duties as may be prescribed by the Advisory Group, the Department or the Director.

X. Counsel to the Committee

The Assistant Attorney General providing general legal advice to the Department will provide general legal assistance to the Advisory Group.

XI. Changes to the Charter

The members of the Advisory Group may vote to alter, amend or repeal this charter.

No alteration, amendment, repeal of this charter shall be effective until it is approved by the Department in writing. Any amendment or alteration to this charter must be in conformity with all applicable state and federal laws and administrative regulations.

XII. Termination

The Advisory Group shall continue in existence subject to termination in accordance with requirements of laws of the state of Washington or action of the Department. In case of termination, to the extent consistent with such laws or consistent with the action of the Department, the Advisory Group shall continue operating only to the extent necessary to orderly complete the work of the Advisory Group.

XIII. Report to the Legislature

The department shall report to the WCAC and to the appropriate committees of the legislature on each December 1st, beginning in 2012 and ending in 2016. The Chair shall participate in the development and presentation of a report to the appropriate committees of the legislature in regard to the activities of the Advisory Group.

XIV. Effective Date

This charter shall be effective the date of adoption by the Advisory Group and approval by the Department, and shall terminate at termination of the Advisory Group.

The Charter of the Provider Network Advisory Group was duly adopted at the meeting of the Advisory Group on the _____ day of _____, _____.

Signed: _____
_____, Chair Date

This charter of the Provider Network Advisory Group was approved by the Department of Labor and Industries on the _____ day of _____, _____.

By: _____
Judy Schurke, Director of the Department of Labor and Industries